

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

INTERIMLNHA, INC.,

Plaintiff,

vs.

PARKVIEW HOME, INC.,

Defendant/Third-Party
Plaintiff,

vs.

FARMERS STATE BANK, and
CHRISTOPHER D. GRAY,

Defendants,

vs.

THOMAS J. ESTOPARE, and DANIEL R.
STOCKDALE,

Third-Party
Defendants.

8:21CV443

ORDER TO SHOW CAUSE

On November 19, 2021, a Complaint was filed by InterimLNHA, Inc. against Parkview Home, Inc., Famers State Bank, and Christopher D. Gray. ([Filing No. 1](#)). Famers State Bank and Gray answered on January 3, 2022. ([Filing No. 19](#)). On January 13, 2022, Parkview Home filed an Answer, Third-Party Complaint and Counterclaim. ([Filing No. 22](#)). Summonses were issued as to Third-Party Defendants Thomas J. Estopare and Daniel R. Stockdale. ([Filing No. 26](#)). Parkview Home filed a return of service as to Third-Party Defendant Thomas Estopare ([Filing No. 31](#)) and a summons was returned unexecuted for Third-Party Defendant Daniel Stockdale. ([Filing No. 32](#)). To date, Thomas Estopare has not

filed an answer or other responsive pleading as to the Third-Party Complaint. Parkview Home has not filed a return of service indicating service on Daniel Stockdale and Daniel Stockdale has not voluntarily appeared.

After seeking leave of the court, Parkview Home filed an Amended Answer, Amended Third-party Complaint, and Amended Counterclaim on March 14, 2022. ([Filing No. 39](#)). InterimLNHA filed an Answer to the Counterclaim on March 28, 2022. A review of the docket shows that no summons has been requested or issued as to the Amended Third-Party Complaint. See § 1137 Time Limit for Service, 4B Fed. Prac. & Proc. Civ. § 1137 (4th ed.) (filing an amended complaint does not toll the Rule 4(m) service period).

Accordingly,

IT IS ORDERED that Third-Party Plaintiff Parkview Home, Inc. shall have until May 20, 2022 to show cause why the claims against Thomas J. Estopare or Daniel R. Stockdale should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of the claims against Thomas J. Estopare or Daniel R. Stockdale without further notice.

Dated this 29th day of April, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge